

REMARKS

Claims 1-14 were pending in the application. Claims 10-13 have been withdrawn from consideration as being drawn to nonelected embodiments. By this amendment, Applicants have amended independent Claims 1 and 8 without introducing new matter. New Claim 15 has been added without introducing new matter. Claims 1-9 and 14-15 remain pending.

Priority

Applicants note that none of the certified copies of the priority documents have been received by the Patent and Trademark Office. The certified copy of the French priority document is enclosed. We hereby claim priority to the September 9, 1998 filing date.

New Claim 15

Claim 15 has been added to emphasize the fact that the cereal grains are not subject to any treatment such as the enzymatic particularization of Suomin '725 prior to being coated with vegetable oil. Support for new Claim 15 is found generally throughout the specification, and more particularly on page 4 at lines 16-17 and on page 10 at lines 7 and 14 of Applicants' original specification. Early consideration and allowance of new Claim 15 is respectfully requested.

Claim Rejection - 35 U.S.C. § 102

Claims 1-9 and 14 stand rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over Lim '669 or Suominen '725.

As the Applicants understand the rejection, it is a 35 U.S.C. § 102 rejection based individually on Lim '669 and Suominen '725, and alternatively as 35 U.S.C. § 103 rejection on either reference alone or in combination.

Applicants have amended independent Claim 1 to recite a granulometry, or grain size, between 10 and 2000 μm . Support for this amendment is found on page 10 at lines 15 and 16 of Applicants' original Specification. Applicants respectfully submit that no new matter has been introduced. The claimed invention requires a mixture of at least one polymer with at least one cereal grain flour.

Lim '669 discloses a more complicated method for producing a biodegradable material including cereal grains and a cross-linking agent. Applicants note that the polymers contemplated by the invention include polypropylenes, polystyrenes and polyvinylchloride. In contrast, the cross-linking agents contemplated by Lim '669 include formaldehyde and adipic acetic anhydride, as seen in Examples 6, 7 and 8. The abstract also alludes to the use of epoxides as cross-linking agents. Applicants respectfully submit that these cross-linking agents are not polymers *per se*. Accordingly, Lim '669 does not teach or even suggest the use of a polymer along with cereal grains to produce a biodegradable composition. Furthermore, Applicants note that Lim '669 stresses the fact that the cereal grain is first treated with an organic solvent to extract lipids and other matter, and that ultimately the starch and proteins of

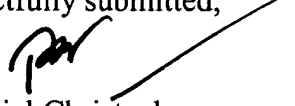
the cereal grains are linked together. In sharp contrast, Applicants' invention involves the simple mixing of polymer with cereal grain flour as claimed. The cereal grain flour need not be subjected to further treatment such as gelatinization, destructuring, or surface modification of the starches and proteins. For these reasons Applicants respectfully submit that the claimed invention is patentably distinct from Lim '669. Withdrawal of the 35 U.S.C. § 102 and 103 rejection based on Lim '669 is therefore respectfully requested.

Suominen '725 clearly teaches that the cereal grain must be processed to achieve a "small size (smaller than 10 μ m)" as disclosed on column 6, lines 39 and 40. In the preceding paragraph, Suominen '725 teaches away from the use of larger particle sizes. In particular, Suominen '725 stresses that particles which are too big cause problems in making the disclosed film and difficulty in mixing. Accordingly, Applicants respectfully submit that Suominen '725 does not teach the use of particle sizes above 10 μ m, and furthermore teaches away from their use. Accordingly, Suominen '725 cannot form the basis of an anticipation or obviousness rejection. Applicants respectfully request withdrawal of the rejections based on 35 U.S.C. § 102 and 103.

With respect to Claim 8, Applicants have amended the claim to remove reference to all trademark names, and simply recite that the polymer is a biodegradable polymer. Applicants respectfully submit that those skilled in the art, will readily appreciate that several biodegradable polymers are commercially available especially in light of the Specification.

Applicants respectfully submit that all pending claims are now in condition for allowance. Early reconsideration and allowance of all pending claims is, therefore, respectfully requested.

Respectfully submitted,



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In the Claims (clean copy as amended)

Sub B1
1. (Once Amended) A biodegradable material comprising a mixture of at least one polymer with at least one cereal grain flour having granulometry between 10 and 2000 μm and, optionally, one or more acceptable additives.

Sub B1
Confid.
2. (Once Amended) The biodegradable material according to claim 1, wherein the polymer is a biodegradable polymer.

Please add the following new claim 15:

Sub B1
Confid.
15. (New) A biodegradable material comprising a mixture of at least one polymer with at least one cereal grain flour which is not subjected to any treatment except to a controlled drying eventually followed by a sifting and/or turboseparation phase, and optionally, one or more acceptable additives.